



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

March 18, 1939

Honorable Wm. Hurwitz
Criminal District Attorney
Gregg County
Longview, Texas

Dear Sir:

Opinion No. O-514

Re: Must stamp be affixed to deed
reserving vendor's lien, when
tendered for filing with trans-
fer of note and a deed of trust
given as cumulative security.

You submit to us the following facts and question:

"A deed with an expressed vendor's lien was executed and delivered, subsequently and before recording the deed, the vendor's lien was transferred, and a deed of trust by the vendee was issued to the Gladewater Federal Savings and Loan Company, which company brought the deed, the transfer of the vendor's lien and the deed of trust to the County Clerk for filing.

"Is the deed subject to stamp tax?"

Article 7047e (a), Revised Statutes, after providing a tax of 10¢ on each \$100.00, or fraction thereof, over the first \$200.00, "on all notes . . . secured by . . . vendor's lien," and providing that "no instrument creating a lien of any character . . . shall be filed or recorded " until stamped, contains the following exception, to wit:

". . . and providing further that the provisions of this Section shall not apply to renewals or extensions of any notes or obligations, and specifically shall not apply to refunding of existing bonds or obligations. And providing further this Section shall not apply to notes and obligations or instruments securing same taken by or on

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behalf of the United States or any corporate agency or instrumentality of the United States Government in carrying out a governmental purpose as expressed in any Act of the Congress of the United States."

Under the meager facts submitted the deed reserving the vendor's lien in this instance does not fall within any of the exceptions. The vendor's lien is not one of renewal or extension, nor do the facts show that any of the instruments were taken by or on behalf of any agency or instrumentality of the United States Government.

As submitted to us, the question is answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*
Glenn R. Lewis
Assistant

GR:LH

APPROVED

Grac E. Mann
ATTORNEY GENERAL OF TEXAS